

**CLINTON TOWN COUNCIL**

**FEBRUARY 23, 2022**

**7:30 P.M.**

**Virtual meeting**

FLAG SALUTE

ROLL CALL

STATEMENT OF ADEQUATE NOTICE

1. APPROVAL OF MINUTES: February 23, 2022
2. PUBLIC COMMENTS
3. MAYOR'S COMMENTS
4. PRESENTATION OPEN DOOR RECOVERY CENTER & PREVENTION RESOURCES
5. RESOLUTION # 54-22 – POLICE RULES & REGULATIONS
6. RESOLUTION #55-22 - MUNICIPAL WEEK APRIL 3-9
7. RESOLUTION # 56-22 – GRANT WRITER
8. RESOLUTION #57-22 – SETTLEMENT AGREEMENT AND RELEASE WITH PACT 2
9. RESOLUTION #58-22 – RESTORATION OF ENERGY TAX RECEIPTS
10. INTRODUCTION OF ORDINANCE 22-01 – CREATING THE AH-1 AFFORDABLE HOUSING DISTRICT 2<sup>ND</sup> READING 3/23
11. SPECIAL EVENT REQUESTS – SUNRISE ROTARY – Memorial Fishing Derby May 7, 2022  
Cardboard Boat Race – July 9, 2022 and banner request – June 27 – July 10, 2022  
Rubber Ducky Race – July 10, 2022  
Car Rally at Fire Dept. – September 24, 2022
12. BANNER REQUESTS – Hunterdon Art Museum - Art on Tap - May 9-16  
HAM IT UP! May 30 – June 6  
The Artist's Closet: Vintage Clothing Sale – June 6 -13  
Summer Camp at HAM – June 13 – 20  
  
BANNER REQUEST – Hunterdon County Library – March 14 – 27, 2022
13. SPECIAL EVENT REQUEST – FRIENDLY SON'S – ST. PATRICK'S DAY PARADE 3/13/22
14. CORRESPONDENCE
15. REPORTS OF COUNCIL
16. STANDBY AND OVERTIME
17. PAYMENT OF BILLS
18. EXECUTIVE SESSION – IF NECESSARY
19. ADJOURNMENT

**TOWN OF CLINTON  
HUNTERDON COUNTY, NEW JERSEY**

**RESOLUTION # 54-22**

**RESOLUTION ADOPTING THE RULES AND REGULATIONS OF THE  
TOWN OF CLINTON POLICE DEPARTMENT**

**WHEREAS**, the Town of Clinton Police Department (the “Department”) is established pursuant to N.J.S.A. 40A:14-118 and Town of Clinton Code Section 18-1; and

**WHEREAS**, in accordance with N.J.S.A. 40A:14-118 and Town of Clinton Code Section 18-5, the Mayor and Council of the Town of Clinton may make, amend, or revoke the rules and regulations of the Department; and

**WHEREAS**, the Town Council believes that the adoption of the attached Rules and Regulations of the Department are in the best interest of the Town.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Town of Clinton, in the County of Hunterdon as follows:

1. The Rules and Regulations of the Town of Clinton Police Department dated February 2022 and attached hereto be and hereby are accepted and adopted by the Town Council.
2. All rules and regulations previously issued, and policies and procedures that are contrary to the rules contained herein, are hereby revoked. All other policies and procedures shall remain in force.
3. This Resolution shall take effect immediately.

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Cecilia Covino, RMC/CMC  
Municipal Clerk

**RESOLUTION #55-22**  
**NJ Local Government Week**

**A RESOLUTION OF TOWN OF CLINTON, RECOGNIZING NJ LOCAL GOVERNMENT WEEK, APRIL 3-9, 2022 AND ENCOURAGING ALL CITIZENS TO SUPPORT THE CELEBRATION AND CORRESPONDING ACTIVITIES.**

**WHEREAS**, local government is the government closest to most citizens, and the one with the most direct daily impact upon its residents; and

**WHEREAS**, local government provides services and programs that enhance the quality of life for residents, making their municipality their home; and

**WHEREAS**, local government is administered for and by its citizens, and is dependent upon public commitment to and understanding of its many responsibilities; and

**WHEREAS**, local government officials and employees share the responsibility to pass along the understanding of public services and their benefits; and

**WHEREAS**, NJ Local Government Week offers an important opportunity for elected officials and local government staff to spread the word to all citizens of New Jersey that they can shape and influence this branch of government; and

**WHEREAS**, the NJ State League of Municipalities and its member municipalities have joined together to teach citizens about municipal government through a variety of activities.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN OF CLINTON AS FOLLOWS:**

**Section 1.** That the Mayor and Council encourage all citizens, local government officials, and employees to participate in events that recognize and celebrate NJ Local Government Week.

**Section 2.** That the Mayor and Council encourages educational partnerships between local government and schools, as well as civic groups and other organizations.

**Section 3.** That the Mayor and Council supports and encourages all New Jersey local governments to actively promote and sponsor NJ Local Government Week.

**PASSED AND ADOPTED** by \_\_\_\_\_

**Mayor Janice Kovach**

February 23, 2022

TOWN OF CLINTON

RESOLUTION # 56-22  
RESOLUTION AUTHORIZING PROFESSIONAL SERVICES CONTRACT WITH  
TRIAD ASSOCIATES  
GRANT CONSULTANTS

WHEREAS, the Town Council of the Town of Clinton has a need to contract the services of a Grant Consultant as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.4 or 20.5 as appropriate; and

WHEREAS, the Purchasing Agent has certified that the costs of this contract may or will exceed \$17,500; and

WHEREAS, the anticipated term of this contract is 1 year; and

WHEREAS, Triad Services has submitted a proposal indicating they will provide the above referenced services at the rates listed in their fee schedule for 2022; and

WHEREAS, Triad Services has completed and submitted a Business Entity Disclosure Certification which certifies that Triad Services has not made any reportable contributions to a political or candidate committee in the Town of Clinton in the previous one year, and that the contract will prohibit the Grant Consultants from making any reportable contributions through the term of the contract; and

WHEREAS, the Chief Financial Officer will certify to the Town Clerk the availability of funds on an as-needed basis at the time when the Town needs the services provided by Triad Services; and

WHEREAS, the Chief Financial Officer has certified to the Town Clerk that funds are available in the following budget account: Current Budget, Other Expenses and Water Utility, Other Expenses.

NOW THEREFORE BE IT RESOLVED that the Town Council of the Town of Clinton to enter into a contract with Triad Services as described herein; and

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution; and

BE IT FURTHER RESOLVED that notice of this appointment will be published as required by law within ten days of the passage of this resolution; and

BE IT FURTHER RESOLVED that copies of this resolution be forwarded to the Chief Financial Officer and Triad Associates.

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Cecilia Covino, RMC/CMC  
Municipal Clerk

Dated: February 23, 2022

**TOWN OF CLINTON, HUNTERDON COUNTY**

**RESOLUTION # 57-22**

**AUTHORIZING EXECUTION OF A SETTLEMENT AGREEMENT AND RELEASE**

**WHEREAS**, the Town of Clinton (the "Town") entered into a contract with Pact 2, LLC ("Pact 2") dated April 21, 2020 for the construction of improvements to the Town's wastewater treatment plan filter and residuals building (the "Contract"); and

**WHEREAS**, during the course of construction, disputes arose between the Town and Pact 2 regarding performance, time extensions, and additional work; and

**WHEREAS**, the Town and Pact 2 have agreed to settle their disputes and avoid the expense and disruption of litigation and/or mediation as set forth in the Agreement attached hereto; and

**WHEREAS**, the Town Council believes it is in the best interest of the Town to enter into the attached settlement.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Town of Clinton, Hunterdon County, New Jersey, as follows:

1. The Mayor and Clerk are authorized and directed to execute the Settlement Agreement and Release in substantially the same form as attached hereto.
2. The Mayor, Clerk, Town Sewer Engineer, and Administrator are hereby authorized sign any other documents required to effectuate the Settlement Agreement and Release.
3. This Resolution shall take effect immediately.

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Cecilia Covino, RMC/CMC

Municipal Clerk

**RESOLUTION # 58-22**  
**Urging the Swift Passage of S-330 which restores Energy Tax Receipts**

**WHEREAS**, taxes on gas and electric utilities were originally collected by the host municipalities to be used for local purposes and to compensate the public for the use of their rights of way; and

**WHEREAS**, when the State made itself the collection agent for these taxes, it promised to dedicate the proceeds to municipal property tax relief; since, just as municipalities collect property taxes for the benefit of school districts, counties, and other entities, the State is supposed to collect Energy Taxes for the benefit of municipal governments; and

**WHEREAS**, for years, though, State budget makers have diverted funding from Energy Taxes to fund State programs; and instead of being spent on local programs and services and used to offset property taxes, the money has been spent as successive Legislatures and Administrations have seen fit; and

**WHEREAS**, the diversion of dedicated energy tax receipts to the State's General Fund further jeopardizes this critical property tax relief funding in future years; and

**WHEREAS**, by reducing Consolidated Municipal Property Tax Relief Act (CMPTRA), which is also comprised of revenues that should be returned to municipalities, State Budget makers have been able to continue collecting Energy Taxes, while keeping additional revenue that should have been returned to provide property tax relief; and

**WHEREAS**, the cumulative impact of years of underfunding has left many municipalities with serious needs and burdensome property taxes; and

**WHEREAS**, local elected officials are in the best position to decide the best use of these resources, which were always intended to fund local programs and services; and

**WHEREAS**, Senator Singleton and Senate President Scutari have introduced legislation (S-330) that will restore, over a five-year period, Energy Tax Receipts to municipalities;

**NOW, THEREFORE, BE IT RESOLVED**, that the governing body of the Town of Clinton, in Hunterdon County urges the Legislature to swiftly pass this legislation and Governor Murphy sign the legislation prior to passage of the FY2023 State budget; and

**BE IT FURTHER RESOLVED** that a copy of this Resolution is forwarded to Assemblymen Roy Freiman and Sadaf Jaffer and Senator Andrew Zwicker, Senate President Scutari, Assembly Speaker Coughlin, Governor Murphy, and the League of Municipalities.

DATED: February 23, 2022

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Janice Kovach, Mayor

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Cecilia Covino, RMC/CMC  
Municipal Clerk

**TOWN OF CLINTON  
ORDINANCE # 22-01**

**AN ORDINANCE CREATING THE AH-1 AFFORDABLE HOUSING DISTRICT**

**WHEREAS**, the Town of Clinton filed a Declaratory Judgment Action in the Superior Court of New Jersey, Hunterdon County, captioned IMO Town of Clinton, Docket No. HNT-L-304-15 (the “Declaratory Judgment Action”), in furtherance of the Supreme Court’s March 10, 2015, decision In re Adoption of N.J.A.C. 5:96 & 5:97 by N.J. Council on Affordable Housing, 221 N.J. 1 (2015) (the “Supreme Court Decision”); and

**WHEREAS**, the Town of Clinton (the “Town”) entered into Settlement Agreements with Fair Share Housing Center on September 18, 2018 (as amended by an Agreement dated August 1, 2021) (hereinafter the “Settlement Agreement”) that determines the Town’s affordable housing obligation and the mechanisms for how the obligation will be addressed; and

**WHEREAS**, the Settlement Agreement contemplates development of Block 3, Lot 2 with an assisted living facility and age-restricted independent living rental units; and

**WHEREAS**, the zoning amendments herein support the development of Block 3, Lot 2 consistent with the Settlement Agreement; and

**WHEREAS**, the revisions to the zoning map, and creation of the AH-1 Affordable Housing District, are intended to follow the property lines of Block 3, Lot 2; and

**WHEREAS**, the Town’s Land Use Board adopted a Housing Element and Fair Share Plan, that comprehensively provides for the creation of affordable housing in the Town in a manner consistent with all applicable affordable housing statutes and regulations.

**NOW THEREFORE BE IT ORDAINED**, by the Council of the Town of Clinton, County of Hunterdon, and State of New Jersey, as follows:

**Section 1.** Section 88-51(A) of the Code of the Town of Clinton (the “Code”) entitled “Zone Districts” is amended and supplemented to add Affordable Housing (AH-1) District.

**Section 2.** Section 88-51(C) entitled “Map and schedule” is amended such that the boundary of the Affordable Housing (AH-1) District shall be applied to Block 3, Lot 2.

**Section 3.** Chapter 88 entitled “Zoning” is hereby supplemented and amended to create the AH-1 District as follows:

**§ 88-52.2 AH-1 Affordable Housing District**

A. Purpose. The purpose of the AH-1 Affordable Housing District is to provide opportunity for the development of low and moderate income housing that will assist the Town in continuing to meet its constitutional obligation to provide affordable housing.

B. Permitted uses. Permitted uses shall be as follows:

(1) Principal uses.

(a) Assisted living facilities, which may include an adult day care component and memory care beds.

(b) Age-restricted independent living units.

(c) More than one principal building shall be permitted upon a lot.

(2) Accessory uses and structures.

(a) Garages as part of the principal structure and off-street parking facilities.

(b) Carports.

(c) Solar panels mounted to the roof of a principal building or a carport.

(d) Storage and maintenance buildings to service a permitted principal use.

(e) Electric vehicle charging facilities, including all required electrical infrastructure and charging stations.

(f) Customary accessory structures approved as part of the site plan for the development, including trash enclosures, fences, walls, lampposts, trellises, gardens, ponds, swimming pools for use of residents of the development and the like.

(g) Signs in accordance with the requirements of this section.

C. Tract area, development areas, density, and bulk requirements.

(1) Tract area. The minimum tract area shall be 2.5 acres

(2) Density. Any development project shall not exceed a total of seventy (70) age-restricted independent living units and shall include no more than 140 assisted living beds.

(3) Bulk requirements.

(a) Yard requirements. The following minimum yard areas shall be provided:

1. Front yard setback from State Route 173 (West Main Street) – 100 feet

2. Front yard setback from Interstate Route 78 – 60 feet

### 3. Side yard setback – 75 feet

(b) Coverage. The maximum coverage by buildings shall not exceed 30% of the tract area. The maximum coverage by all impervious surfaces, including buildings, shall not exceed 65% of the tract area.

(c) Buffer areas. No building, driveway or parking area shall be located within 10 feet of any tract boundary line.

(d) Building height. No building shall exceed five stories in height, nor shall any building exceed 50 feet in height.

#### D. Parking requirements.

(1) Parking shall be provided for all age-restricted independent living units in accordance with the New Jersey Residential Site Improvement Standards (RSIS).

(2) Assisted living facilities shall provide 0.5 spaces per bed.

#### E. Affordable housing requirements.

(1) All developments in the AH-1 Affordable Housing District shall be required to provide affordable housing.

(2) Age-restricted independent living units in the AH-1 shall provide a minimum of twenty-percent of the total units proposed as affordable to low and moderate income households.

(3) A minimum of 10% of the total number of assisted living beds shall be reserved for Medicaid residents per state licensing requirements.

(4) All affordable units must comply with the Town of Clinton Affordable Housing requirements and the Uniform Housing Affordability Controls (N.J.A.C. 5:80-26.1 et seq., or as may be amended), including, but not limited to, phasing, bedroom distribution, and income distribution.

#### F. Engineering and construction design standards.

##### (1) Drainage.

(a) The drainage system shall be a combination of structural and nonstructural measures of controlling surface runoff.

(b) The system shall be adequate to carry and attenuate stormwater which originates not only within the lot or tract boundaries but also that which originates beyond the lot or tract boundaries in the current state of development. No stormwater runoff or natural drainage water shall be so diverted as to overload existing drainage systems or create flooding or the need for additional drainage structures on other private properties or public lands without proper and approved provisions being made for taking care of these conditions.

(c) Lots and buildings shall be graded to secure proper drainage away from buildings. Additionally, drainage shall be provided in a manner which will prevent the collection of stormwater in pools or other unauthorized concentrations of flow.

(d) All developments shall further comply with the Floodplain Ordinance of the Town of Clinton, as amended and supplemented, and all applicable state and federal regulations.

(2) Lighting.

(a) Streetlighting shall be provided at all intersections, parking areas and anywhere else deemed necessary for safety reasons.

(b) Any outdoor lighting such as building and sidewalk illumination, driveways with no adjacent parking, the lighting of signs, and ornamental lighting, shall be shown on the lighting plan in sufficient detail to allow a determination of the effects upon adjacent properties, roads and traffic safety from glare, reflection and overhead sky glow in order to recommend steps needed to minimize these impacts.

(c) Parking lot lighting levels shall not exceed 1.0 footcandles.

(d) Lighting levels at the tract boundary shall not exceed 0.1 footcandles.

(e) Light fixtures shall include full-cutoff luminaires and LED bulbs.

(3) Sidewalks. Sidewalks shall be installed within the development as needed and where they are best located to serve public safety considering the intensity of development, the probable volume of pedestrian traffic and the general type of improvement intended. Sidewalks shall be provided to West Main Street to connect the development to the existing sidewalk system.

(4) Water supply.

(a) The developer shall be responsible for connecting to the public water system, including any upgrades that may be necessary to provide service to the site. Prior to the grant of the preliminary approval, the applicant shall provide the Board with a copy of a letter from the water company indicating that the project will be serviced with public water.

(b) Fire hydrant type, number and locations shall be approved by the Public Works/Business Administrator with the advice of the chief of the Clinton Fire Company and shall be installed by the developer.

(5) Signage. The development shall be permitted one ground sign for site identification not to exceed a total of thirty-two square feet in area and not more than six feet in height. No building mounted signage shall be permitted with the exception of the street address.

H. Independent living unit requirements.

(1) No building shall exceed a length of 280 feet. Façade articulation shall be provided to avoid long stretches of building wall on a single plane.

(2) Accessory buildings shall meet the property line setbacks required for principal buildings. Trash enclosures shall be setback a minimum of 30 feet from any property boundary.

(3) The maximum height of an accessory building shall be 16 feet.

(4) If provided, garages shall be built into the principal structure.

(5) Laundry facilities shall be provided either as common areas in the principal building or within each unit.

(6) One or more completely enclosed but unroofed structure for the collection and storage of solid waste and recycling shall be provided. No garbage or other refuse shall be stored or collected except in such approved structures.

(7) In addition to any storage area contained within the dwelling unit, a minimum of 150 cubic feet of storage space shall be provided for each dwelling unit, which storage area shall be convenient to and accessible from the outside of the building for purposes of storing bicycles, strollers and similar outside equipment.

(8) Landscape screening and fencing shall be provided as needed to shield parking areas and other common facilities from the view of adjoining properties and streets.

(9) Provisions shall be made for the preservation of existing trees and natural features to the greatest extent possible.

(10) All disturbed areas shall be landscaped. Landscaping shall be provided as follows:

(a) Shade trees shall be planted along all drives and in common parking areas. Such trees shall be 2 1/2 to three inches in caliper at time of planting and shall be planted 50 feet on center along both sides of all streets and common parking areas. The Land Use Board shall approve the choice of plantings and, in so doing, may rely upon the recommendations of the Shade Tree Commission.

(b) All required front, side and rear yards shall be left in their natural state and supplemented with additional plantings to provide effective screening to surrounding properties.

(c) All disturbed areas shall be planted in grass or ground cover.

(d) All plantings shall be of nursery stock, balled and burlapped, and shall be healthy and free of disease.

**Section 4.** If any portion of this Ordinance is for any reason held to be unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the validity of this Ordinance as a whole, or any other part thereof. Any invalidation shall be confined in its operation to the section, paragraph, sentence, clause, phrase, term, or provision or part thereof directly involved in the controversy in which such judgment shall have been rendered.

**Section 5.** All ordinances or parts of ordinances which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency only and the provisions of this Ordinance shall govern in the event of any inconsistency.

**Section 6.** This Ordinance shall take effect upon the filing thereof with the Hunterdon County Planning Board after final passage, adoption, and publication in the manner prescribed by law.

**ORDINANCE #22-03**

**§ 88-53 C-1 Downtown Commercial District.**

B. Permitted principal uses. The following uses, conducted within the confines of a building, are permitted:

[Amended 8-10-2004 by Ord. No. 04-07[1]]

(1) Stores and shops for retail business, provided that any process of manufacture, assembly, treatment or conversion involves a product or service intended to be sold or provided to the ultimate consumer and further provided that not more than five employees are involved in any such process. The foregoing shall not be deemed to include laundries, dry-cleaning establishments and winery, brewery and distillery uses.

(2) Offices for business, executive, professional and administrative purposes.

(3) Restaurants, cafes and taverns in which patrons are seated at tables or counters and are served food and drink by waiters or waitresses for consumption on the premises.

(4) Studios for art, dancing, music, language, photography, and similar activities.

(5) Museums.

(6) Municipal buildings and municipal uses, but not including municipal garages and storage and maintenance yards.

(7) Apartments, provided that no such apartment shall be located on the first floor.

(8) Beauty salon, barbershop, day spa.

(9) Federal reserve banks, commercial banks, savings institutions, credit unions, lending and financing offices, securities brokerage services, portfolio management companies, insurance carrying companies, insurance advisory companies, insurance fund managers, estate management services and similar activities, except drive-up windows for vehicles are not permitted in any such uses.

[Added 8-8-2006 by Ord. No. 06-13]

(10) Nonprofit clubs, lodges and fraternal, civic and charitable organizations.

[Added 9-8-2021 by Ord. No. 21-21]

(11) Winery, brewery and distillery uses conducted under license from the New Jersey Division of Alcoholic Beverage Control and including such facilities for wine, spirit or beer making, tasting rooms and retail sales. To the extent allowed under licensing by the New Jersey Division of Alcoholic Beverage Control, preparation and service of food to patrons seated at tables or counters by waiters or waitresses for consumption on the premises shall be permitted.

[Added 12-18-1984 by Ord. No. 84-17; amended 12-10-1985 by Ord. No. 85-25]